



DOCKET NO: 16139/09015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Genge et al.

Serial No: 09/978,601

Filed: October 16, 2001

Title: Biocompatible Cement Containing Reactive
Calcium Phosphate Nanoparticles and
Methods for Making and Using such Cement)

) Examiner: Paul Marcantoni

) Art Unit: 1755

) Deposit Account: 50-2548

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

An Assignment of all ownership rights to the present application has been filed for recordation on the same date as this packet of information was mailed. A copy of that Assignment is attached.

It is respectfully requested that the name of the Assignee that appears on the face of the patent to be issued from this application is "University of South Carolina", which is the assignee identified in the present Assignment form.

Please address any questions to the undersigned at the telephone number that is given below.

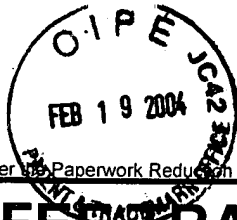
Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH, LLP

Charles E. Dunlap
Registration No. 35,124
P.O. Box 11070
Columbia, SC 29211-1070
Phone: (864) 250-2238
Fax: (803) 256-7500

February 17, 2004

Date



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 40.00

Complete if Known

Application Number	09/978,601
Filing Date	October 16, 2001
First Named Inventor	Genge et al.
Examiner Name	Paul D. Marcantoni
Art Unit	1755
Attorney Docket No.	16139/09015

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 50-2548
Deposit Account Name:

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid
Independent		-20** =		X		
Multiple Dependent		-3** =		X		

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	40
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 40.00

SUBMITTED BY

(Complete if applicable)

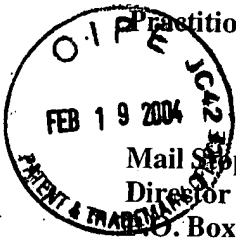
Name (Print/Type)	Charles E. Dunlap	Registration No. (Attorney/Agent)	35,124	Telephone	864-250-2238
Signature		Date	February 17, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Practitioner's Docket No. 16139/09015

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Assignment Recordation Services
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

ASSIGNMENT (DOCUMENT) COVER SHEET (37 C.F.R. § 3.31)

Attached please find an assignment (document) for recordal.

IDENTIFICATION OF APPLICATION(S) AND/OR PATENT(S)
FOR ASSIGNMENT (DOCUMENT) RECORDAL
(37 C.F.R. § 3.21 and 37 C.F.R. § 3.31(a)(4))

1. This assignment is for the following patent application and/or issued patent:
 - a. National application: SN: 09/978,601, filed on October 16, 2001
which was previously assigned and recorded on February 19, 2002

Reel 012602, Frame 0916

TOTAL NUMBER OF APPLICATIONS AND/OR PATENTS
AND TOTAL FEE

2. A. The total number of applications and/or patents identified in this cover sheet is: 1.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Director of the United States Patent and Trademark Office,
P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Debra Dunn-Brown
Signature

Date: 2/17/04

Debra Dunn-Brown

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

- B. The total fee is (37 C.F.R. Section 1.21(h)):

$$1 \times \$40.00 = \$40.00$$

- C. Payment of fee is made by Check No. 24073 in the amount of \$40.00.

Charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 50-2548.

A duplicate of this paper is attached.

**NAME OF PARTY CONVEYING INTEREST
(37 C.F.R. § 3.31(a)(1))**

3. The party conveying interest is:

The University of South Carolina Research Foundation

**NAME AND ADDRESS OF PARTY(IES) RECEIVING INTEREST
(37 C.F.R. § (a)(2))**

4. The rights are being conveyed to:

University of South Carolina
Columbia, SC 29208

**DESCRIPTION OF INTEREST CONVEYED OR
TRANSACTION RECORDED (37 C.F.R. § 3.31(a)(3))**

5. The accompanying document intends to accomplish an assignment.

**NAME AND ADDRESS OF PARTY TO WHOM
CORRESPONDENCE SHOULD BE MAILED (37 C.F.R. § 3.31 (a)(5))**

6. Please address correspondence to:

Name: Charles E. Dunlap
Address: Nelson Mullins Riley & Scarborough
P.O. Box 11070
Columbia, SC 29211-1070
Telephone No.: 864-250-2238

DATE ASSIGNMENT (DOCUMENT) EXECUTED
(37 C.F.R. § 3.31(a)(7))

7. The attached assignment (document) was executed by Anthony M. Boccanfuso on September 4, 2003.

The attached assignment (document) was executed by Walther H. Parham on September 16, 2003.

LANGUAGE OF ASSIGNMENT (DOCUMENT) TO BE RECORDED

8. The attached document is in the English language.

ORIGINAL DOCUMENT OR TRUE COPY SUBMITTED

9. Submitted herewith is a true copy of the original document, which I certify to be a true copy.

STATEMENT (37 C.F.R. § 3.31(a)(9)) AND
SIGNATURE (37 C.F.R. § 3.31(a)(10))

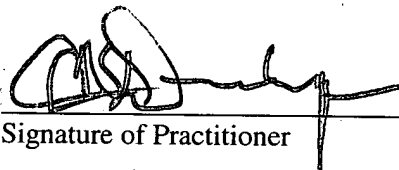
10. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Date:

Febr. 17, 2004

Reg. No.: 35,124

Tel. No.: 864-250-2238



Signature of Practitioner

Charles E. Dunlap
Nelson Mullins Riley & Scarborough
P.O. Box 11070
Columbia, SC 29211-1070

TOTAL NUMBER OF PAGES BEING SUBMITTED

11. The total number of pages being submitted, including documents is: 5.

ASSIGNMENT

WHEREAS, I/WE, the undersigned, have acquired by Assignment the entire right, title and interest in and to certain invention or inventions which are disclosed in patent application(s) and/or provisional patent application(s) entitled:

**BIOCOMPATIBLE CEMENT CONTAINING REACTIVE CALCIUM PHOSPHATE
NANOPARTICLES AND METHODS FOR MAKING AND USING SUCH CEMENT**

and further identified as U.S. Patent Application Serial No. 09/978,601 and PCT application no. PCT/US01/32377.

WHEREAS, UNIVERSITY OF SOUTH CAROLINA, having its address at Columbia, South Carolina, 29208, U.S.A., an educational institution of South Carolina, is desirous of acquiring the entire right, title and interest in and to said invention or inventions and any and all patents to be obtained therefor;

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, I/WE do hereby sell, assign and transfer to said UNIVERSITY OF SOUTH CAROLINA, its successors and assigns, the entire right, title and interest in and to said invention or inventions, in any form or embodiment thereof, and in and to said application(s); and in and to any and all applications filed in any country based thereon, including the right to file application in countries other than the country of priority filing under the provisions of any international convention; also in and to any and all improvements on said invention or inventions now or hereafter made by me/us as employee(s), agent(s) or contractor(s) of said UNIVERSITY OF SOUTH CAROLINA, also the entire right, title and interest in and to any and all patents, including reissues and extensions thereof, to be obtained in any country upon said invention, inventions or improvements, and any and all continuing applications, including divisional, continuation and continuation-in-part applications, substitute applications, and applications claiming benefit of an earlier filed provisional application, which may be filed upon said invention, inventions or improvements in any country; and

I/WE hereby authorize and request the issuing authority to issue any and all patents on said application or applications to said UNIVERSITY OF SOUTH CAROLINA, as assignee of the entire interest.

I/WE further agree, without any payment by UNIVERSITY OF SOUTH CAROLINA, other than in reimbursement of reasonable expenses I/we may incur, to communicate to said UNIVERSITY OF SOUTH CAROLINA, its representatives or agents, any facts relating to said invention, inventions or improvements, including evidence for purposes of interference, opposition or other legal proceedings, whenever requested; testify in any interference, opposition or other legal proceedings, whenever requested; and execute and deliver, on request, all lawful papers required to make any of the foregoing provisions effective.

IN TESTIMONY WHEREOF, I have hereto set my hand on the date set after my signature.

THE ASSIGNOR of the entire right, title, and interest:
The University of South Carolina Research Foundation
Sponsored Programs and Research
Byrnes Building, Fifth Floor
901 Sumter Street
Columbia, South Carolina 29208 U.S.A.

[Signature]
Signature

9/4/03
Date

Anthony M. Boccanfuso
Managing Director
The University of South Carolina Research Foundation

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

ACKNOWLEDGMENT

On this 4th day of September, 2003, before me personally before me appeared Anthony M. Boccanfuso, to me known to be the person who executed the foregoing instrument and acknowledged that he executed the same as his own free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last written above.

[Signature]
Notary Public
My Commission Expires: March 14, 2013

THE ASSIGNEE of the entire right, title, and interest:
University of South Carolina
Columbia, South Carolina 29208 U.S.A.

[Signature]
Signature

9-16-03
Date

Walter H. Parham
~~Assistant Secretary~~
University of South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

ACKNOWLEDGMENT

On this 16th day of September, 2003, before me personally before me appeared Terry Parham to me known to be the person who executed the foregoing instrument and acknowledged that he executed the same as his own free act and deed; in testimony whereof I have hereto set my hand and official seal on the day last written above.

[Signature]
Notary Public
My Commission Expires: 7/8/06